

**22494. Misbranding of table sirup. U. S. v. 8 Cases of White Table Sirup. Default decree of condemnation and destruction. (F. & D. no. 31797. Sample no. 41980-A.)**

This case involved a shipment of sirup which was misbranded since the label bore a false and misleading statement relative to the quantity of the contents, and since it was food in package form and the quantity of the contents was not stated plainly and conspicuously on the package, as required by law—the statement of weight appearing on the label being incorrect.

On January 3, 1934, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight cases of table sirup at Billings, Mont., alleging that the article had been shipped in interstate commerce, on or about August 8, 1933, by the Wheeler-Barnes Co., from Minneapolis, Minn., in violation of the Food and Drugs Act.

It was alleged in the libel that the article was in violation of the said act in that the can label bore the statements, "Stones White Table Syrup Contents Two Lbs. Eight Oz.", whereas the cans contained less than 2 pounds and 8 ounces.

On March 8, 1934, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22495. Adulteration and misbranding of mayonnaise. U. S. v. 26 Cases, et al., of Mayonnaise. Default decrees of condemnation, forfeiture, and destruction. (F. & D. nos. 31816, 31985, 31986. Sample nos. 18223-A, 18224-A, 50770-A, 50771-A, 50772-A.)**

These cases involved shipments of alleged mayonnaise which was deficient in fat, the samples examined containing but little more than one-half the amount of fat contained in mayonnaise which meets the definition and standard. The article contained a considerable amount of starch and water solution, also an unpermitted yellow coal-tar dye which concealed the presence of the starch solution and gave the product the appearance of containing more egg yolk than was present. The containers failed to bear on the label a plain and conspicuous statement of the quantity of the contents.

On January 8 and February 15, 1934, the United States attorney for the Middle District of Alabama, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 133 cases of mayonnaise, in part at Dothan, Ala., and in part at Andalusia, Ala., alleging that the article had been shipped in interstate commerce between the dates of September 22 and October 24, 1933, by the Louisiana Baking Corporation, from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Betty Lou Mayonnaise Delivered Fresh Daily New Orleans, La., Net Weight Not Less than 3 Ozs. [or "9 Ozs."]."

It was alleged in the libel that the article was adulterated in that starch and water had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength; in that an article containing less fat than mayonnaise contains, and containing starch, water, and artificial yellow color, had been substituted for mayonnaise; and in that it was mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Mayonnaise", was false and misleading and deceived and misled the purchaser, since the product was not mayonnaise; for the further reason that the article was offered for sale under the distinctive name of another article; and for the further reason that it was food in package form and failed to bear a plain and conspicuous statement of the quantity of the contents, since the statements made were inconspicuous, and in two lots were incorrect because the container was of 16-ounce size while the jar was labeled "Net Weight Not Less than 3 Ozs."

On March 8, March 27, and June 5, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*